

imaginary line to the shoreline of Lake Michigan; then south from the intersection of Kedzie and Bryn Mawr, along Kedzie to Diversey Parkway; then east along Diversey Parkway to the end; then east along an imaginary line to the shoreline of Lake Michigan; then north along the shoreline of Lake Michigan to the point of beginning.

DuPage County. That area near Addison in DuPage County that is bounded as follows: Beginning at the intersection of Fullerton Avenue and Swift Road; then east along Fullerton Avenue to Lombard Road; then north along Lombard Road to Army Trail; then west along Army Trail to Swift Road; then south along Swift Road to the point of beginning.

Village of Summit. That area in the Village of Summit that is bounded as follows: Beginning at the intersection of Archer and 59th Street; then south along Archer to 67th Street; then east along 67th Street to the end; then east along the railroad tracks to Sayre; then north along Sayre to 59th Street; then west along 59th Street to the point of beginning.

New York

New York City. That area in the boroughs of Brooklyn and Queens in the city of New York that is bounded as follows: Beginning at the point where the Manhattan Bridge intersects the shoreline of the East River; then south from the Manhattan Bridge along Flatbush Avenue to Lafayette Avenue; then east along Lafayette Avenue to Himrod Street continuing northeast along Himrod Street to Myrtle Avenue; then east along Myrtle Avenue to Fresh Pond Road; then north along Fresh Pond Road to Flushing Avenue; then northeast along Flushing Avenue to Grand Avenue; then along Grand Avenue to 69th Street; then north along 69th Street to Queens Boulevard; then west along Queens Boulevard to the Queensborough Bridge and the East River; then south and west along the shoreline of the East River to the point of beginning.

Nassau and Suffolk Counties. That area in the villages of Amityville, West Amityville, North Amityville, Copiague, Massapequa, Massapequa Park, and East Massapequa; in the

towns of Oyster Bay and Babylon; and in the counties of Nassau and Suffolk that is bounded as follows: Beginning at a point where Riviera Drive West intersects with the shoreline of the Great South Bay; then north along Riviera Drive West to Strong Avenue; then north along Strong Avenue to Marconi Boulevard; then west along Marconi Boulevard to Great Neck Road; then north and northwest along Great Neck Road to Southern State Parkway; then west along Southern State Parkway to Broadway; then south along Broadway to Hicksville Road; then south along Hicksville Road to Division Avenue; then south along Division Avenue to the Great South Bay; then east along the shoreline of the Great South Bay to the point of beginning.

[62 FR 10416, Mar. 7, 1997, as amended at 63 FR 63387, Nov. 13, 1998]

§301.51-4 Conditions governing the interstate movement of regulated articles from quarantined areas.

(a) Any regulated article may be moved interstate from a quarantined area only if moved under the following conditions:

(1) With a certificate or limited permit issued and attached in accordance with §§301.51-5 and 301.51-8;

(2) Without a certificate or limited permit if:

(i) The regulated article is moved by the United States Department of Agriculture for experimental or scientific purposes; or

(ii) The regulated article originates outside the quarantined area and is moved interstate through the quarantined area under the following conditions:

(A) The points of origin and destination are indicated on a waybill accompanying the regulated article; and

(B) The regulated article is moved through the quarantined area without stopping, or has been stored, packed, or handled at locations approved by an inspector as not posing a risk of infestation by Asian longhorned beetle; and

(C) The article has not been combined or commingled with other articles so as to lose its individual identity.

(b) When an inspector has probable cause to believe a person or means of conveyance is moving a regulated article interstate, the inspector is authorized to stop the person or means of conveyance to determine whether a regulated article is present and to inspect the regulated article. Articles found to be infected by an inspector, and articles not in compliance with the regulations in this subpart, may be seized, quarantined, treated, subjected to other remedial measures, destroyed, or otherwise disposed of.

§ 301.51-5 Issuance and cancellation of certificates and limited permits.

(a) An inspector¹ or person operating under a compliance agreement will issue a certificate for the interstate movement of a regulated article if he or she determines that the regulated article:

(1)(i) Is apparently free of Asian longhorned beetle in any stage of development, based on inspection of the regulated article; or

(ii) Has been grown, produced, manufactured, stored, or handled in such a manner that, in the judgment of the inspector, the regulated article does not present a risk of spreading Asian longhorned beetle; and

(2) Is to be moved in compliance with any additional emergency conditions that the Administrator may impose under section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd)² in order to prevent the artificial spread of Asian longhorned beetle; and

(3) Is eligible for unrestricted movement under all other Federal domestic plant quarantines and regulations applicable to the regulated articles.

(b) An inspector or a person operating under a compliance agreement will issue a limited permit for the interstate movement of a regulated article not eligible for a certificate if he or she determines that the regulated article:

(1) Is to be moved interstate to a specified destination for specific processing, handling, or utilization (the destination and other conditions to be listed on the limited permit), and this interstate movement will not result in the spread of Asian longhorned beetle because Asian longhorned beetle will be destroyed by the specific processing, handling, or utilization; and

(2) Is to be moved in compliance with any additional emergency conditions that the Administrator may impose under section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd) in order to prevent the spread of Asian longhorned beetle; and

(3) Is eligible for unrestricted movement under all other Federal domestic plant quarantines and regulations applicable to the regulated article.

(c) An inspector shall issue blank certificates and limited permits to a person operating under a compliance agreement in accordance with § 301.51-6 or authorize reproduction of the certificates or limited permits on shipping containers, or both, as requested by the person operating under the compliance agreement. These certificates and limited permits may then be completed and used, as needed, for the interstate movement of regulated articles that have met all of the requirements of paragraph (a) or (b), respectively, of this section.

(d) Any certificate or limited permit may be canceled orally or in writing by an inspector whenever the inspector determines that the holder of the certificate or limited permit has not complied with this subpart or any conditions imposed under this subpart. If the cancellation is oral, the cancellation will become effective immediately, and the cancellation and the reasons for the cancellation will be confirmed in writing as soon as circumstances permit. Any person whose certificate or limited permit has been cancelled may appeal the decision in writing to the

¹Inspectors are assigned to local offices of APHIS, which are listed in local telephone directories. Information concerning such local offices may also be obtained from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Domestic and Emergency Operations, 4700 River Road Unit 134, Riverdale, Maryland 20737-1236.

²Section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd) provides that the Secretary of Agriculture may—under certain conditions—seize, quarantine, treat, destroy, or apply other remedial measures to articles that the Administrator has reason to believe are infested by, infected by, or contain plant pests.